

### REMARKS

Reconsideration and withdrawal of all grounds of rejection are respectfully requested. Claims 1-9 are pending. Non-elected claims 5-7 were withdrawn from consideration.

Applicants note that an initialed copy of the Form PTO-1449 submitted with the U.S. Patent Office on August 17, 2004 has not yet been received. Applicants kindly request that the Examiner provide a copy of the initialed Form PTO-1449 in the next official action.

1. Enclosed is Terminal Disclaimer that obviates the obviousness-type rejection of claims 1-4, 8 and 9 over U.S. Patent 6,377,321.

2. 1-4, 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Doane et al (U.S. Patent No. 5,437,811, the '811 patent) in view of Varney (U.S. Patent No. 4,779,942, the '942 patent). Applicants disagree with this rejection for the following reasons and note that a similar rejection was made in the parent application (now U.S. Patent 6,654,080).

The presently claimed invention of claims 1 and 2 feature a method of producing additive and monochrome color images from a stacked cholesteric liquid crystal display comprising two or three cholesteric liquid crystal layers that each reflect visible light of a different color. The features of these claims are not remotely disclosed or suggested by the applied references.

The Office Action does not even make out a *prima facie* case of obviousness. There is no disclosure or suggestion in the references of a display comprising two stacked cholesteric liquid crystal layers at all, let alone two or three stacked cholesteric liquid crystal cells each having a liquid crystal material with a pitch length effective to reflect visible light. The statement in the Office Action: "It is common and known in the [sic] liquid crystal art to use three cells, one for each primary color, to form a multicolored display" is unsupported by the cited references. In any event, the cited references fail to disclose or suggest a method of forming additive or monochrome color images in an LCD comprising 2 or 3 stacked layers of cholesteric liquid crystal material each

reflecting visible light of a different color.

In particular, the '942 patent discloses placing a filter over or integrated with an incandescent or fluorescent red light source to remove radiation having wavelengths greater than 720 nm, since it is said that this radiation otherwise would adversely affect the gain of the night vision goggles (NVG's). Filtering this infrared light is important to the '942 device ("absorption of the remaining light energy (>720nm) is essential to prevent the loss of external viewing intensification by the NVG's;" column 3, lines 25-29). Applicant's claim 1 is not directed to a filter for emissive light to be used with night vision goggles. One of ordinary skill in the art would not have been motivated to use the liquid crystal display of the '811 patent to modify the filter of the '942 patent for incandescent or fluorescent emissive light.

The Office Action argues for a modification of Varney's device that is not supported by the references. It appears the Office Action is asserting that one would have replaced Varney's filter with some sort of liquid crystal display so that one display would reflect visible light and the other red or infrared light. This is nowhere suggested by the references. Varney simply uses a filter to enable red or infrared light to be transmitted in a suitable range of wavelengths that permits it to be seen with or without the NVG's and without loss of external viewing intensification.

Nothing in the references would motivate one skilled in the art to modify the '811 display to create a method using stacked cholesteric liquid crystal layers each comprised of liquid crystal having a pitch length effective to reflect visible light of a certain color, such that there is an additive mixture of colors and monochrome color images as in Applicant's claim 1. The Applicant's display is a reflective display and as such, reflects light rather than emits it. A transmitted red light with a filter behaves much differently than the inventive stacked cholesteric display (nowhere addressed in the references), wherein reflection of visible light of a certain color in one cell is affected by the reflection of visible light of a different color from another liquid crystal layer. One would not have

altered the display of the '811 patent absent impermissible hindsight reconstruction of Applicant's presently claimed invention.

Assuming for the sake of argument that one would have modified the '942 device with the '811 device, the modified device would employ the physical filter of the '942 patent, not stacked cholesteric cells, each reflecting visible light.

Claims 2-4, 8 and 9 depend from claim 1 and are patentably distinguished from the applied references for the same reasons as claim 1. Moreover, there is no disclosure in the applied references for making a display that includes three regions of liquid crystal material stacked such that light reflected from the device is an additive mixture of colors reflected from each liquid crystal region. Accordingly, withdrawal of the rejection of claim 2 is respectfully requested.

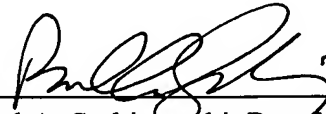
It is respectfully submitted that the Terminal Disclaimer, in conjunction with the foregoing remarks, place all elected claims of this application in condition for allowance. Applicants are prepared to agree to cancellation of the non-elected claims upon receipt of notification from the Patent Office that claims of this application are allowed.

Appl. No. 10/667,806  
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If there are any additional fees resulting from this communication, please charge same to  
our Deposit Account No. 16-0820, our Order No. 35570US3.

Respectfully submitted,

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